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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,254	05/07/2001	Eizo Kato	18920.0018	8562

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EXAMINER

MENDOZA, ROBERT J

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/849,254	KATO, EIZO
Examiner	Art Unit	
Robert J Mendoza	3713	2

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____ .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

Detailed Action

Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, 12-14, 17-20, 22-24, and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "order" is vague and indefinite. It is not clear as to what order Applicant is referring.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sporgis (USPN 6,320,495).

Sporgis discloses a game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results needed for a process of a game from a player's side to a station's side through a communication line, wherein the results include coordinates for directing player's side to a destination by disclosing in col. 2:51-67 & col. 3:1-3, each player is equipped with a mobile wireless communication device, ideally web enables, that

incorporates a GPS receiver. The communication device may be hand held, or it may be mounted in a vehicle such as a car or a boat. A “gamemaster” computer program is designed to run the treasure hunt. The players’ GPS receivers receive navigation data from GPS satellites and determine players locations. Player locations are transmitted back to the game master by the players’ wireless communication devices. The gamemaster determines the next clue to be given to a particular player based upon the player’s location as well as other variables, such as the number of clues the player has correctly answered and the position of the other players. A wide variety of clues or directions, or player options could also be utilized.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis in view of Miyamoto et al. (USPN 6,331,146).

Sporgis discloses a game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results needed for a process of a game from a player’s side to a station’s side through a communication line, wherein the results include coordinates for directing player’s side to a destination. However, Sporgis lacks in disclosing a hint as to the process of a game from the station’s side to the players’ side. Miyamoto, in an analogous video game system, teaches in col. 27:53-55, providing a hint as to the process of a game from the station’s side to the players’ side. Miyamoto teaches this facet of the game with

the intention of providing clues on how players can attain certain items game. It would be obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the concept of providing a hint as to the process of a game from the station's side to the players' side taught into the invention of Sporgis; in order to, add difficulty and an element of inquisition to a game and thus a greater challenge to the player.

Claims 3, 8, 11, 15, 16, 21, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis in view of Nishino (USPN 6,409,603).

Sporgis discloses a game device comprising communication, analysis and sending means for interchanging analyzed information/parameters and results needed for a process of a game from a player's side to a station's side through a communication line, wherein the results include coordinates for directing player's side to a destination. However, Sporgis lacks in disclosing that a players' side must send a parameter to a station's side within a predetermined time. Nishino, in an analogous game device, teaches inducing a players' side to send a parameter to a station's side within a predetermined time (col. 5:5-17). Nishino teaches this aspect in an attempt to force a player to make a game related choice within a given time frame. It would be obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the aspect of inducing a players' side to send parameters to a station's side within a predetermined time taught into the disclosed invention of Sporgis; in order to, to create a continuous and timely flow of data between a game device and game player.

Claims 4, 9, 12-14, 17-20, 22-24, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis in view of Miyamoto in further view of Nishino in further view of Albukerk et al. (USPN 5,929,848).

The disclosures of Sporgis, Miyamoto and Nishino have been discussed above and are, therefore, incorporated herein. However, Sporgis, Miyamoto and Nishino lack in disclosing a parameter so sent that is needed for the process of a game changes in accordance with weather. Albukerk, in an analogous game device and game system, teaches, in col. 19:55-67 & col. 20:1-10, a system for providing interpretive information about objects or exhibits taking into account the variances in season, weather, tour group versus individual behaviors, and other variables. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Albukerk into the disclosed inventions Sporgis, Miyamoto and Nishino. One would be motivated to combine the teachings of Albukerk with the disclosed inventions of Sporgis, Miyamoto and Nishino in order to, diversify the types of clues provided to the game players by allowing the clues to depend on uncontrollable variables.

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to network video game systems:

USPN 5,942,969 Wicks discloses a treasure hunt game using pager and paging system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM

February 11, 2003

V. Martin Wallace
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